

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**UNITED STATES OF AMERICA ex rel,
LAWRENCE M. SMITH,
Plaintiffs**

V.

CIVIL ACTION NO. 3:12-cv4377-M

**DEION L. SANDERS, INDIVIDUALLY,
and
DAMIEN LAMARC WALLACE A/K/A D. L.
WALLACE, INDIVIDUALLY**

and
FREDERICK R. MAYS, INDIVIDUALLY,
and
CHAZMA JONES, INDIVIDUALLY,

**and
UPLIFT FORT WORTH, CDC,
INDIVIDUALLY**

and
CHARITY CHURCH, INDIVIDUALLY,
and
PRIME TIME ASSOCIATION,
INDIVIDUALLY

and
TEXAS DEPARTMENT OF AGRICULTURE,
INDIVIDUALLY,
and
JANE DOE AND JOHN DOE
Defendants,

JURY TRAIL DEMANDED

MOTION FOR CLERK TO ENTER DEFAULT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Lawrence M. Smith, Relator Plaintiff, hereinafter referred to as Movant, and files this Motion For Clerk to Enter Default, and in support hereof, shows the court the following:

I.

Movant filed suit ex rel against Defendant, Uplift Fort Worth, CDC, and others on October 31, 2012, Under Seal, seeking damages for violations of the Federal False Claims Act, 31 USC 3729-3733. This cause was unsealed by order of the Court on July 8, 2013. Defendant, Uplift Fort Worth, CDC was served with Summons by serving its Registered Agent, Prime Prep Academy, by personal service on Prime Prep Academy's School Secretary, Abigail Santos, on January 29, 2014, at its principal office located at 4400 Panola Avenue, Fort Worth, Texas 76103. The Return of Service for Defendant, Uplift Fort Worth, CDC was filed in this cause on January 31, 2014.

II.

Defendant, Uplift Fort Worth, CDC has failed to plead, otherwise defend, make any appearance or file an answer within the time allowed by law and has wholly made default.

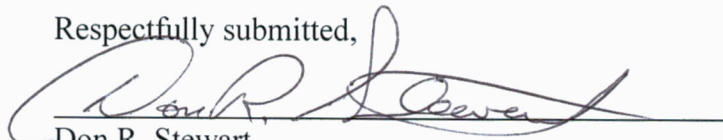
III.

The following documents are attached to this Motion:

1. Certificate of Last Known Mailing Address (Exhibit "A")
2. Nonmilitary Affidavit (Exhibit "B")

WHEREFORE, PREMISES CONSIDERED, Movant prays that the Clerk of this Court make Entry of Default in this cause against Defendant, Uplift Fort Worth, CDC, pursuant to Rule 55 (b)(1), *Federal Rules of Civil Procedure*.

Respectfully submitted,

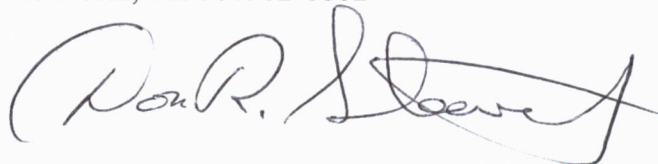


Don R. Stewart
Texas Bar No. 19206700
200 East Main Street
Arlington, TX 76010
Telephone: (817) 548-9200
Facsimile: (817). 548-9210
E-Mail: don@donstewartlaw.com
Attorney for Plaintiff/Relator

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion For Clerk To Enter Default was mailed via First Class Mail on this 12th day of March, 2014 to:

Clay R. Mahaffey, Assistant United States Attorney
UNITED STATES ATTORNEY'S OFFICE
Northern District of Texas, Burnett Plaza, 17th Floor
801 Cherry St., Unit 4
Fort Worth, TX 761902-6882

A handwritten signature in dark ink, appearing to read "Clay R. Mahaffey", is written over the printed name and address.

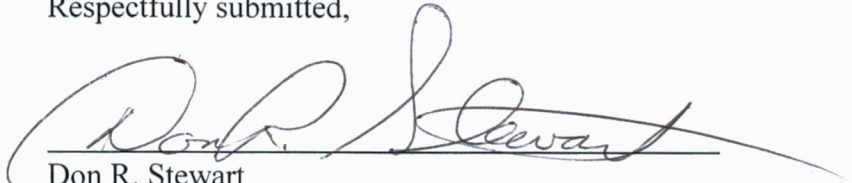
"My name is Don R. Stewart. I am over 18 years of age, of sound mind, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.

"To the best of my belief and knowledge, Uplift Fort Worth, CDC is not currently in military service and has not been in military service since this suit was filed. More specifically, Uplift Fort Worth, CDC is registered through the Secretary of State of the State of Texas as a non-profit entity under Section 501 (c)(3), Internal Revenue Code, and therefore, not subject to military service."

Affiant sayeth further not.

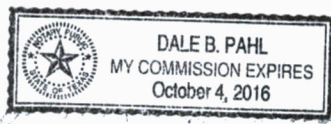
SIGNED on March 12, 2014.

Respectfully submitted,



Don R. Stewart
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200 East Main Street
Arlington, TX 76010
Tel. (817) 548-9200
Fax. (817) 548-9210
Attorney for Plaintiff/Relator

SUBSCRIBED AND SWORN TO BEFORE ME on March 12, 2014, by
Don R. Stewart.



Notary Public, State of Texas

Movant filed suit ex rel against Defendant, Charity Church, and others on October 31, 2012, Under Seal, seeking damages for violations of the Federal False Claims Act, 31 USC 3729-3733. This cause was unsealed by order of the Court on July 8, 2013, and Defendant, Charity Church,, was served with Summons by personal service on the Church Director, Edward J. Parnell, on January 29, 2014, at its principal office located at 4400 Panola Avenue, Fort Worth, Texas 76013. The Return of Service for Defendant, Charity Church, was filed in this cause on January 31, 2014.

II.

Defendant, Charity Church, has failed to plead, otherwise defend, make any appearance or file an answer within the time allowed by law and has wholly made default.

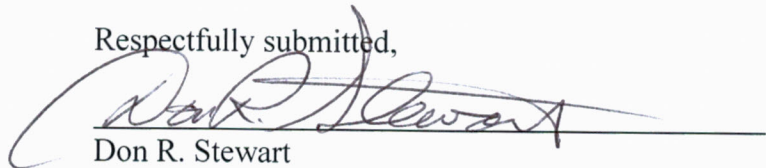
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Respectfully submitted,



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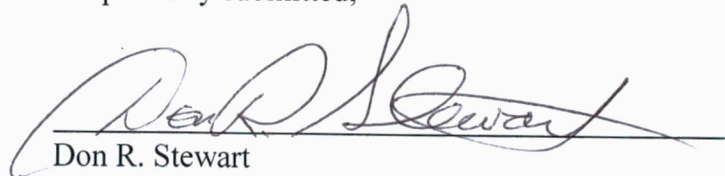
"My name is Don R. Stewart. I am over 18 years of age, of sound mind, and fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct.

"To the best of my belief and knowledge, Charity Church is not currently in military service and has not been in military service since this suit was filed. More specifically, Charity Church is registered through the Secretary of State of the State of Texas as a non-profit entity under Section 501 (c)(3), Internal Revenue Code, and therefore, not subject to military service."

Affiant sayeth further not.

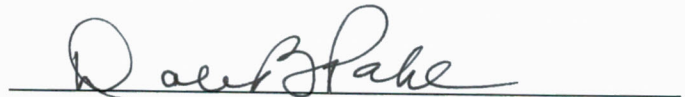
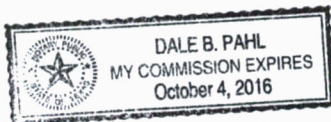
SIGNED on March 12, 2014.

Respectfully submitted,



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SUBSCRIBED AND SWORN TO BEFORE ME on March 12, 2014, by
Don R. Stewart.



Notary Public, State of Texas